

REMARKS

Reconsideration is respectfully requested. Claims 1-20 are pending. Claims 18-20 have been added. No new matter has been added. Entry of the amendment is respectfully requested.

Claim Status

Claims 2-14 were objected to but indicated allowable if rewritten in an independent form. Claim 2 has been written in independent form and claims 2-14 should now be allowed.

Claims 15-17 were objected to because of informalities. Claim 15 has been amended. Thus, withdrawal of the claim objections is respectfully requested.

Claims 1 and 15 were rejected under 35 U.S.C. § 103(a) as obvious over Johnston (US 5,673,333) in view of Barton (US 6,733,108).

Claims 16-17 were rejected under 35 U.S.C. § 103(a) as obvious over Johnston in view of Barton and Lin (US 2002/0080209).

The Claim Rejections

Claim 1

The rejection relies on Johnston for teaching a printer (70). The Action admits that Johnston does not teach or suggest recited step (b). The rejection relies on Barton for teaching an ink capturing spittoon (40). The Office surmises that it would have been obvious to equip Johnston's printer (70) with Barton's ink capturing spittoon (40). Applicants respectfully disagree. The Office does not factually support a *prima facie* conclusion of obviousness.

Johnston teaches (at col. 4, lines 21-25) that the "printer 70 serves to print on an envelope fed along the envelope transport path" (35), as shown in Figure 2A. The envelope transport path

(35) is vertically arranged (Figure 2A). Thus, one skilled in the art would conclude that Johnston's printer (70) is arranged to print sideways.

Barton's ink spittoon (40) is designed to be vertically spaced below the printhead (36) to capture ink (38) that drops therein, as shown in Figures 1 and 2. One skilled in the art would recognize that Barton's ink spittoon (40) is not structurally or functionally compatible with Johnston's sideways printing (70).

Barton does not teach or suggest sideways operation of the spittoon (40). Nor is the spittoon (40) designed for sideways operation. Conversely, Barton teaches that during operation of the spittoon (40), its opening (37) must be at the top edge thereof. Furthermore, any attempt at sideways implementation of Barton's spittoon would result in ink (38) dropping into the gap (Figure 2) between the printhead (36) and the spittoon (40). Thus, it would not have been obvious to locate Barton's ink spittoon (40) horizontally adjacent to Johnston's printer (70).

Even if it were somehow possible (which it isn't) for sake of argument to arrange Barton's ink spittoon (40) sideways, such a sideways arrangement would not have resulted in an "overlying relation" (claim 1, line 4). Again, the Office has not established a *prima facie* case of obviousness. Nor would it have been obvious to have modified Johnston as alleged to have produced the recited invention.

Claim 15

For similar reasons previously discussed, the references also do not render obvious the subject matter of claim 15. Additionally, the references do not teach or suggest the pivotally mounted features of an operatively positioned ink capture vessel. Barton's ink spittoon (40) is not pivotally mounted, especially during ink capturing. Conversely, Barton's tab (45) and spring

(47) are designed to prevent movement of the spittoon (40). The Office has not established a *prima facie* case of obviousness.

The Dependent Claims

Each of the dependent claims depends directly or indirectly from an independent claim. Applicants have shown the independent claims to be allowable. "If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious" (MPEP 2143.03). *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, it is asserted that the dependent claims are allowable on the same basis.


Furthermore, each dependent claim additionally recites specific features and relationships that patentably distinguish the claimed invention over the applied art. The references, taken alone or in combination, do not teach or suggest these features. Nor would it have been obvious to have modified Johnston as alleged to have produced the claimed invention.

Conclusion

Applicants respectfully submit that this application is in condition for allowance.

The undersigned is willing to discuss any aspect of the Application by telephone at the Office's convenience.

Respectfully submitted,



Ralph E. Jocke Reg. No. 31,029
WALKER & JOCKE
231 South Broadway
Medina, Ohio 44256
(330) 721-0000